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RED PINE POINT LLC,
Plaintiff,
v.
APPLE INC, et al.,
Defendants.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case Nos. [14-cv-03639-RS](#), [14-cv-03493-RS](#)

**ORDER GRANTING LEAVE TO FILE
EARLY MOTION FOR SUMMARY
JUDGMENT**

In these related patent infringement suits, defendants Apple Inc., Magnolia Pictures, LLC (“Magnolia”), and The Weinstein Company LLC (“Weinstein”) seek leave to file an early motion for summary judgment. Although *seriatim* motions are generally disfavored, considerations of judicial economy weigh in favor of permitting defendants to file a single summary judgment motion prior to claim construction in this case. Filing such a motion will not preclude defendants from filing one additional motion for summary judgment at a later stage in these proceedings.

If they choose to file an early motion for summary judgment, defendants will be confined to addressing one issue. Magnolia and Weinstein may seek a finding that the claims against them are barred by *res judicata* based on plaintiff’s voluntarily dismissal of other actions alleging infringement of the same patents. *See Red Pine Point LLC v. Amazon.com, Inc. et al.*, 14-cv-3494-RS (N.D. Cal. Oct. 27, 2014); *Red Pine Point LLC v. Amazon.com, Inc. et al.*, 14-cv-4528-EJD (N.D. Cal. Oct. 27, 2014). Defendants will not, however, be permitted to raise any other arguments in an early summary judgment motion. While plaintiff’s claim regarding the ‘601 Patent may be impacted by resolution of the *res judicata* issue, defendants have not shown that the additional defenses they seek to assert can be properly resolved without the benefit of claim construction. Likewise, defendants’ arguments regarding the indefiniteness of the ‘048 Patent will

1 not be entertained prior to claim construction.

2 **IT IS SO ORDERED.**

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4 Dated: January 5, 2015

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RICHARD SEEBORG
United States District Judge